

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

ZACH ELLIS, GERONIMO PEREZ,	§	
ARTURO SALINAS, JARROD M.	§	
DANIEL, and KERRY TAWATER,	§	
Individuals	§	
	§	
Plaintiffs	§	
	§	
vs.	§	CASE NO. 2:15-CV-00058-J
	§	
TRI-STATE OIL FIELD SERVICES, Inc.,	§	
a Texas Corporation, RICARDO “RICKY”	§	
CANTU, and individual, RICKY’S	§	
TOWING OF AMARILLO, LLC, a Texas	§	
limited liability company, KATRINA	§	
KINCAID, an individual, and CANTU	§	
TOWING, LLC, a Texas limited liability	§	
company,		
	§	
Defendants	§	

**DEFENDANT CANTU TOWING, LLC, ANSWER
TO PLAINTIFFS ORIGINAL COMPLAINT**

COMES NOW the Defendant, CANTU TOWING, LLC, (“Cantu Towing”), by and through its undersigned counsel, Darrell R. Carey, and files its Answer to Plaintiff’s Complaint as follows:

1. Cantu Towing admits that Plaintiff has brought an action under the Fair Labor Standards Act, 29 U.S.C. § 216 (b), but denies that Plaintiff states a claim upon which relief can be granted and further denies the remaining allegations in ¶ 1 of Plaintiff’s Complaint.

2. Cantu Towing lacks knowledge or information sufficient to form a belief about the truth of the allegations in ¶ 2 of the complaint.

3. Cantu Towing lacks knowledge or information sufficient to form a belief about the truth of the allegations that the Plaintiffs were employees of Tri-State Oil Field Services and denies the remaining allegations in ¶ 3 of Plaintiff's Complaint.

4. Cantu Towing admits that they can be served through their registered agent, Ricky Cantu at its place of business at 305 S. Williams, Amarillo, Texas. Defendant denies that they are jointly and severally liable for the acts of Tri-State Oil Field Services, Inc., and Ricky's Towing of Amarillo, LLC. Defendant denies the remaining allegations in ¶ 4 of Plaintiff's Complaint

5. Cantu Towing lacks knowledge or information sufficient to form a belief about the truth of the allegations that Plaintiffs were employees of Tri-State Oil Field Services and denies the remaining allegations in ¶ 5 of Plaintiff's Complaint.

6. Cantu Towing denies the allegations set forth in ¶ 6 of Plaintiff's Complaint and denies that Defendant is jointly and severally liable for the acts of Tri-State Oil Field Services, Inc., and Ricky's Towing of Amarillo, LLC.

7. Cantu Towing denies the allegations set forth in ¶ 7 of Plaintiff's Complaint.

8. Cantu Towing denies the allegations set forth in ¶ 8 of Plaintiff's Complaint.

9. Cantu Towing denies the allegations set forth in ¶ 9 of Plaintiff's Complaint.

10. Cantu Towing denies the allegations set forth in ¶ 10 of Plaintiff's Complaint.

11. Cantu Towing denies the allegations set forth in ¶ 11 of Plaintiff's Complaint.

12. Cantu Towing denies the allegations set forth in ¶ 12 of Plaintiff's Complaint.

COUNT ONE - FLSA

13. Cantu Towing denies the allegations set forth in ¶ 13 of Plaintiff's Complaint. The complaint fails to state a claim of upon which relief can be granted as to Defendant Cantu Towing.

COUNT TWO – Tort of Retaliation for Complaining about Overtime and Working Conditions

14. Cantu Towing denies the allegations set forth in ¶ 14 of Plaintiff's Complaint. The complaint fails to state a claim of upon which relief can be granted as to Defendant Cantu Towing.

15. Cantu Towing denies the allegations set forth in ¶ 15 of Plaintiff's Complaint.

16. Cantu Towing denies the allegations set forth in ¶ 16 of Plaintiff's Complaint.

17. Cantu Towing denies the allegations set forth in ¶ 17 of Plaintiff's Complaint.

PRAYER

WHEREFORE, Defendant Cantu Towing respectfully requests that the Court:

A. Enter judgment in CANTU TOWING, LLC's favor.

B. Award CANTU TOWING, LLC, its reasonable costs and fees, including attorneys' fees.

C. Grant CANTU TOWING, LLC, such other and further relief as the Court deems just and proper

Respectfully Submitted

/s/ Darrell R. Carey
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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the Defendant CANTU TOWING, LLC, Answer to Plaintiffs Original Complaint was served on Jerry McLaughlin and Philip R. Russ on the 12th day of March, 2015.

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/s/ Darrell R. Carey
Darrell R. Carey